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Human Rights, Poverty and Governance in the Least Developed Countries: Rights-based Approaches Towards a New Framework of Cooperation

Contributions of the United Nations Office of the High Commissioner for Human Rights to the Third United Nations Conference on the Least Developed Countries

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Introduction

The group of 49 least developed countries (LDCs) are some of the poorest and weakest members of the international community, characterized by a series of vulnerabilities in terms of access to services and resources, an acute vulnerability to external 'economic shocks', as well as man-made and natural disasters. Ten years after the adoption of the Paris Declaration and the Programme of Action for the 1990s, development performance remained elusive for a significant number of LDCs. Despite various policy reforms undertaken by LDCs, as *UNCTAD LDC 2000 Report* illustrates, evidence suggests that the level of poverty and inequality both within and among these countries continues to be on the rise.

At the Third United Nations Conference on Least Developed Countries (LDC III), to be held in Brussels from 14 to 20 May 2001, Governments will assess the results of the Programme of Action for the 1990s, review the implementation of international support measures, and consider appropriate national and international policies for the sustainable development of LDCs and their progressive integration into the global economy. *UNCTAD LDC 2000 Report* argues that, unless significant improvements are made in international development cooperation in terms of aid and debt relief policies, measures to promote private capital flows and the international trade regime, LDCs will become pockets of poverty in the global economy and can even become caught in a vicious circle of economic regress, social stress and political instability.

This paper* argues that a radical rethinking of international development cooperation must be based on a framework of partnership that is rooted in the principles and norms of human rights as the universally accepted standards and guidelines for human development. Poverty and inequality are not just economic or social problems, but are human rights issues. The international community not only has moral imperatives but also legal obligations under the international law to address these "silent violations" of human rights, and to put LDCs and their people on a path to sustainable development and human dignity.

The paper will first review the earlier commitments relevant to human rights made in the Paris Declaration and Programme of Action for the 1990s and the progress achieved in LDCs in the field of human rights during the last decade. Then the paper will set out a conceptual framework for integrating human rights into framework of partnership between LDCs and their development partners for the next decade, and reviews relevance of human rights in issues such as poverty, governance and capacity-building, as relevant to some of the key commitments that are on the agenda at LDC III. The paper concludes with some recommendations for integrating human rights in the follow-up and monitoring mechanisms for the implementation of the new Programme of Action.

I. Human rights in LDCs: review of progress since 1990

In the Paris Declaration adopted at the Second United Nations Conference on Least Developed Countries in September 1990, Governments explicitly recognized it as an ethical imperative for the international community to refuse to accept the marginalization of LDCs. It stated that "our world will not enjoy lasting peace without respect for the United Nations Charter, international commitments and shared development".[1] The Programme of Action for the 1990s further recognized that "respect for human rights, individually and as a group, as enshrined in the United Nations Charter and the Universal Declaration of Human Rights

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* This paper benefited in part from valuable inputs by the Rights and Humanity, an independent consultant engaged under a joint arrangement with, and generous financial support from UNCTAD in preparation for the LDC III Conference.

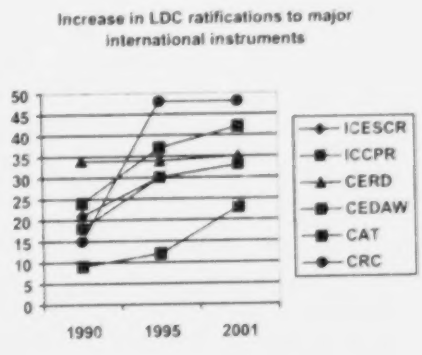
[1] A/CONF.147/18, page 3.

(UDHR), constitutes a universal obligation and stimulates the creativity, innovation and initiative necessary for socio-economic development. Its fulfilment, along with democratization and observance of the rule of law, is a part of the process of development".[2]

Box 1: Recognition of human rights in the Paris Declaration and the Programme of Action

In the second priority area identified in the Paris Declaration and Programme of Action of the Second United Nations Conference on Least Developed Countries (A/CONF.147/18), Governments committed "to develop human resources, by making populations, both men and women, the actors and beneficiaries of development, by respecting human rights and social justice, and by applying effective population, health, education, training and employment policies". The 1990 Programme of Action further recognized the importance to "broaden popular participation in the decision-making process at all levels" in order to all people "to participate fully and freely in economic, social, cultural and political activities", through the promotion of all human rights, with special attention to indigenous people, women and children's rights".

There can be no doubt that much progress has been achieved in terms of increased commitments by Governments to respect and promote human rights during the last decade; the increasing number of LDC State Parties ratifying the international human rights treaties and conventions is evidence of this. Since September 1990, the number of LDC State Parties have increased: (a) from 21 to 33 under the International Covenant on Economic, Social and Cultural Rights (ICESCR); (b) from 18 to 33 under the International Covenant on Civil and Political Rights (ICCPR); (c) from 34 to 35 under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); (d) from 24 to 42 under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); (e) from 9 to 23 under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); (f) and from 15 to 48 under the Convention on the Rights of the Child (CRC).



However, much needs to be done to transform the rhetoric of human rights into reality. The linkage between the stability and economic growth is clear. In 11 LDCs which have experienced serious armed conflicts and internal instability during the 1990s, the real GDP per capita has declined by over 3 per cent per annum over this period, which is contrasted by another group of 15 LDCs, including seven in Asia, which enjoyed relatively peaceful and political environment and a relatively steady economic growth of over 2 per cent per annum in GDP per capita from 1990 to 1998.

There are also evidences of rising social inequalities within the LDCs and relative to other developing countries. While LDCs have made some progress in a number of social indicators, the LDCs continue to lag behind other developing countries in terms of

[2] A/CONF.147/18, para. 64

improvements in life expectancy and infant mortality. The gender gap in education, for example, is much greater in LDCs than in other developing country groups, and the difference seems to have widened substantially over the last two decades. According to UNCTAD projections, only one-fourth of LDCs are on target to reach the international development goal of universal primary education by 2015.

II. Rights-based approach to development: a conceptual framework for partnership

A call for greater recognition of human rights in development has been the collective message that has emanated from all of the global summits and conferences of the 1990s. At the Millennium Summit, heads of State and Government made an unequivocal commitment to "spare no efforts to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development". They further committed to "making the right to development a reality for everyone and to freeing the entire human race from want".[3]

Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

– Vienna Declaration and Programme of Action

The right to development, or in other words, "the right to participate in, contribute to and enjoy economic, social, cultural and political development" was proclaimed in the Declaration on the Right to Development in 1969 and reaffirmed as a universal human right at the World Conference on Human Rights in Vienna in 1993. This fundamental right frames development as "a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom".

A rights-based approach to development is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. Essentially, a rights-based approach integrates the norms, standards, and principles of the international human rights system into the plans, policies and processes of development. The norms and standards are those contained in the wealth of international treaties and declarations. The principles include those of equality and equity; accountability; empowerment and participation.

A. Express linkage to rights

Such approaches begin by expressly defining the objectives of development and aid in terms of particular rights, as legally enforceable entitlements, and create express normative links to international, regional and national human rights instruments. Rights-based approaches are comprehensive in their consideration of the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social. This implies a development framework with sectors mirroring internationally guaranteed rights, and thus covers health, education, housing, justice administration, personal security, political participation, and so on.

B. Accountability

Rights-based approaches focus on raising levels of accountability in the development process by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations). In this regard, they look both at the positive obligations (to protect, promote and provide) of duty holders, and their negative obligations (to abstain from

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[3] A/RES/55/2, op. 24 and 11.

violations). They take into account the duties of the full range of relevant actors, including individuals, communities, states, local organizations and authorities, private companies, aid-donors, and international institutions. Such approaches must also attend to the development of adequate laws, policies, institutions, administrative procedures and practices, and mechanisms of redress and accountability to deliver on entitlements, respond to denial and violations, and ensure accountability. These will include, variously, courts, administrative panels and tribunals, special commissions, ombudsman offices, and others. They also imply translating universal standards into locally determined benchmarks for measuring progress and enhancing accountability.

C. Empowerment

Rights-based approaches also give preference to strategies for empowerment, over charitable responses. They focus on beneficiaries as the owners of rights and the directors of development, and emphasize the human person as the centre of the development process (directly, through their advocates and through organizations of civil society). The goal is to give people the power, capacities, capabilities, and access necessary to change their own lives, improve their own communities, and influence their own destinies. People must not be viewed as passive subjects, but must be able to participate in, contribute to and enjoy development.

D. Participation

Rights-based approaches require a high degree of participation, including from communities, civil society, minorities, indigenous peoples, women, and others. Such participation must be "active, free, and meaningful", such that mere formal or "ceremonial" contacts with beneficiaries is not sufficient. Rights-based approaches give due attention to issues of accessibility, including to development processes, institutions, information and redress or complaints mechanisms. This means also situating development project mechanisms in proximity to partners and beneficiaries. Such approaches necessarily opt for process-based development methodologies and techniques, rather than externally conceived "quick fixes" and imported technical models.

E. Non-discrimination and attention to vulnerable groups

The human rights imperative of such approaches also means that they must include particular attention to discrimination, equality, equity and to vulnerable groups, among them women, minorities, indigenous peoples, prisoners, and others. There is, however, no universal checklist of who is most vulnerable in every given context. Rather, rights-based approaches require that such questions be answered locally: who is vulnerable, here, and now? As such, development data must be disaggregated, to the extent possible, by race, religion, ethnicity, language, sex and other categories of human rights concern. Determinations must be made about how fairly the benefits of development are distributed, who in particular benefits, and who is excluded. Rights-based approaches demand the incorporation of express safeguards in development instruments to protect against threats to the rights and well being of prisoners, minorities, migrants and other often domestically unpopular groups.

The new Programme of Action for LDCs for the Decade 2001-2010 needs firmly to embrace the human rights norms and principles, and to recommit to promoting the right to development, if it is to guide LDCs and their development partners with better clarity and to create a broader consensus on its requirements for implementation. The Programme of Action should recognize the central role of human rights in developing individual capacities to create and benefit from economic growth. Adopting the "rights-based approach" to development, thereby raising the level of accountability in the development process, and better empowering

people as both the beneficiaries and agents of development, will strengthen sustained progress for LDCs in the coming decade.

III. Poverty and human rights

At the Millennium Summit, world leaders committed to the goal of halving the extreme poverty by the year 2015. Poverty alleviation has thus been identified as a major goal for LDCs and their development partners in the draft Programme of Action in its Preambles and under the Commitment 1.[4] Available statistics show that about 45 per cent of the LDC population live in extreme poverty on less than $1 a day, and 75 per cent live on less than $2 per day.

Perhaps no social phenomenon is as comprehensive as in its assault on human rights as poverty. In the words of the High Commissioner, poverty is a "denial of a whole range of rights pertaining to the human being, based on each individual's dignity and worth". Poverty erodes or nullifies economic and social rights like the rights to food and safe water, to health, to adequate housing and to education. The same holds for civil and political rights, such as the right to political participation, to security of the person and access to justice.

Consider, for example, in the early 1990s the amount spent on health in LDCs was on average just over $11 per person, while for other developing countries it was just below $100 and $1,700 for OECD countries.[5] The poor, denied access both to health care and to justice, deprived both of economic security and political power, are acutely aware of the indivisibility of rights.

Poverty is a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights. In other words, the respect and fulfilment of these rights would represent a significant step towards the eradication of poverty. The Committee on Economic, Social and Cultural Rights, a standard-setting and monitoring body for the International Covenant on Economic, Social and Cultural Rights, adopted a statement on poverty and the Covenant at its twenty-fifth session on 4 May 2001.[6] Recalling that the Universal Declaration of Human Rights and the two International Covenants on Human Rights all emphasize the importance of freedom from want, the Committee underlines that international human rights provide a framework of norms or rules upon which detailed global, national and community-level poverty eradication policies can be constructed:

> *"While poverty raises complex multi-sectoral issues that are not amenable to simple solutions, the application of the international human rights normative framework to these issues helps to ensure that essential elements of anti-poverty strategies, such as non-discrimination, equality, participation, and accountability, receive the sustained attention they deserve."*[7]

The Committee adds that non-discrimination and equality are integral elements of the international human rights normative framework. Sometimes poverty arises when people are unable to access existing resources because of who they are, what they believe, or where they live. Discrimination may cause poverty, just as poverty may cause discrimination. The Committee views that anti-poverty policies are more likely to be effective, sustainable,

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[4] A/CONF.191/6, paras. 4 and 22.
[5] UNCTAD, *The Least Developed Countries 2000 Report* (UNCTAD/LDC/2000), p. 8.
[6] E/C.12/2001/10.
[7] Ibid., para. 2.

inclusive, equitable and meaningful to those living in poverty if they are based upon international human rights.

The United Nations system is increasingly addressing poverty and development through rights-based approaches, which are for example advocated in the Secretary-General's reform programme, the CCA/UNDAF process and the United Nations Strategy for Halving Extreme Poverty by 2015 (including its *options for action*). Human rights are recognized as key strategic and substantive elements, and human rights conventions and declarations are used as a reference frame for addressing development and poverty issues, the progressive realization of human rights, and the promotion of poor people's awareness of their rights and entitlements. The challenge now is one of effective implementation, which in turn implies a need to provide enhanced support to UN country teams and their development partners at the national level, as well as to ensure complementarity and effective inter-linkages with national planning processes and other relevant instruments and initiatives, such as the CDF and PRSP.

There is need to fully integrate the outputs of the UNDAF/CCA process into PRSPs. A clear and effective interface between the PRSP and the CCA/UNDAF will be vital to ensuring that the PRSP (now clearly the dominant poverty reduction instrument at the national level) is consistent with human rights goals and requirements. While the CCA/UNDAF explicitly invoke human rights, the PRSP does not. This is one potential added value of the CCA/UNDAF to the PRSP process. Consideration should also be given to the extent to which the national PRSPs reflect rights-based approaches, including due attention to maximizing participation, accountability, non-discrimination, attention to vulnerability, empowerment and linkage to international human rights norms.

The UN Millennium Declaration calls for developing "strong partnerships with the private sector and with civil society organizations in pursuit of development and poverty eradication". However, the recent review of PRSPs has shown that civil society is not sufficiently associated with the process. There is a need to maximize free, active and meaningful civil society participation. Civil society should be able to effectively contribute to the elaboration and implementation of PRSPs at the country level.

IV. Challenges of governance in LDCs

Good governance and the rule of law at both a national and an international levels, which are the focus of the new Programme of Action under its Commitment 2, constitute important elements in the promotion, protection and fulfilment of all human rights. The Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights affirmed that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. More recently, the Commission on Human Rights in its resolution 2000/64, recognized that "transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights".[8] The resolution also emphasized the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation.

For LDCs and their development partners, strengthening of governance systems both at national and international levels, requires firm recognition and commitment to the human rights norms and principles, including the right to development. There is a need to recognize

[8] E/CN.4/RES/2000/64 "The role of good governance in the promotion of human rights", 27 April 2000.

the central role of human rights in developing individual capacities to create and benefit from economic growth.

But promotion and protection of human rights in LDCs, and thereby strengthening the system of governance, present a particular set of challenges. Lack of political will to respect and promote human rights is often the central problem, as in many other countries elsewhere. Furthermore, several LDCs have suffered from internal and external conflicts, which have severely affected the situation of human rights in these countries, as do weaknesses in the structures of public institutions and civil society and the resource scarcity.

A. Strengthening norms, institutions, legal frameworks and enabling environment at the national level

While many LDCs have ratified the major international human rights instruments, the actual implementation and realization of the rights remain problematic in many LDCs. In many cases, inadequate institutional capacity and a general lack of understanding and awareness about human rights are key contributing factors. For example, key public officials including parliamentarians, the judiciary, law enforcement and other government officials are often unfamiliar with the obligations which international and national human rights law imposes upon them in the execution of their functions.

Many countries also lack dedicated human rights institutions, such as national commissions or Ombudsman offices, which are able to give a voice to the marginalized groups and victims of human rights violations. In countries where such institutions do exist, they are often under-funded and inadequately staffed, and/or are not given adequate independence.

Box 2: Strengthening national institutions
Independent national institutions for the promotion and protection of human rights play an important role in fostering a culture of human rights. During 2000, OHCHR was requested to provide information, advice and/or assistance concerning the establishment or strengthening of such institutions in a large number of countries including such LDCs as Bangladesh, Cambodia, Malawi, Nepal, Rwanda, Sierra Leone, Uganda and Zambia. With further support from the international community, national institutions in these and other LDCs could be strengthened to act as a source of human rights information, to assist in promoting awareness on human rights and to advise and make recommendations on human rights matters referred to them by the Government.

A broader long-term agenda for human rights strengthening is legal recognition and enforcement. Following the recommendation of the World Conference on Human Rights in Vienna, some countries have established National Human Rights Action Plan (NHRAP), strongly encouraged by the United Nations High Commissioner for Human Rights. To be meaningful and effective, such plans need strong political commitment and broad popular participation in their design and implementation. Their development provides a country with an opportunity to foster a human rights culture and an understanding of human rights values in relation to their citizens and non-citizens including refugees, both in public institutions, civil society and the business community.

The NHRAP should also be a mutually-enforcing part of country's overall socio-economic development strategy, notably the LDC National Programme of Action. The enabling economic environment needs to facilitate access to many rights recognized under the international instruments, and should not be detrimental to the realization of any of the rights. Economic resources are needed to pay teachers and health works, support judicial

systems and meet a host of other needs, including refugee determination procedures. Not only the economic development is important for human rights, but also the growth should be equitable and resources should be allocated to protect the most vulnerable and marginalized.

Box 3: HURIST
UNDP and OHCHR jointly launched HURIST (Human Rights Strengthening) programme in 1999 to identify best practices and learning opportunities in the development of national capacity for the promotion and protection of human rights, including assistance in integrating human rights in UNDP country programming. HURIST also assists requesting countries in developing a national plan for the promotion of human rights as well as in their ratification to international human rights instruments. Currently, 13 LDCs are covered under various components in HURIST.

B. Building inclusive, democratic society

The concept of democracy, expressed in the 1993 Vienna Declaration and Programme of Action as "based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives" is intricably linked to the development of and respect for human rights. The Universal Declaration of Human Rights gives everyone the right to take part in the government of his country and the right to equal access to public service. It states 'the will of the people shall be the basis of the authority of government.' Article 25 of the International Covenant on Civil and Political Rights recognises and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. These rights lie at the core of democratic government based on the consent of the people and in conformity with the principles of the international human rights instruments. Freedom of opinion, expression, assembly and association are crucial for the effective functioning of a democratic society. An independent and impartial media and a vigorous civil society play crucial role in this regard.

With the help of their development partners, LDCs should commit themselves to taking actions to promote or consolidate democracy. It is often acknowledged that conflict and war are perhaps the biggest avoidable impediments to democracy and development as well as full enjoyment of human rights. The sources of conflict and war are pervasive and deep requiring dedicated efforts to combat them.

Promotion of democracy requires first and foremost putting in place the policies, laws, and institutions which guarantee respect for all human rights and fundamental freedoms. Individual rights and personal security must be protected by the rule of law, which implies a fair administration of justice and a fully functioning, independent judiciary.

Non-discrimination is a cornerstone of international human rights law, and LDCs must take actions to review their policies and legislation with a view to repealing discriminatory laws and practices, and to enacting those which will serve to strengthen equality in society, with special attention to protection of most vulnerable groups.

Participation of individuals in decision-making is crucial, as is political participation, including equal opportunity for all citizens to run for public office. Elections in and of themselves do not constitute democracy, however, periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed.

V. Empowering human capacities in LDCs

The draft Programme of Action, under its Commitments 3 and 4, focuses on building human, institutional and productive capacities in sectors such as education, health, food and employment. It states that the greatest asset of LDCs is their human resources, "their women, men and children whose potentials as both agents and beneficiaries of development must be fully realized".[9] In LDCs, development of human capacities has often been hindered by low school enrolment, low health, nutrition and sanitary status, the prevalence of HIV/AIDS particularly in Africa, malaria, tuberculosis and other communicable diseases and also by natural and man-made disasters. An immediate priority is to increase efforts in fighting HIV/AIDS, malaria and tuberculosis and their social and economic impact.

Many of the issues raised under these commitments are in fact addressed in internationally agreed provisions under international human rights instruments. Some of these relate to the rights to education (art. 26, UDHR; art. 13, ICESCR), to health (art. 25, UDHR; art. 12, ICESCR) and to food (art. 11.2, ICESCR), which are briefly reviewed below to illustrate the empowering dimension of human rights for the poor and the vulnerable.

A. Education

"If you are not educated, you cannot get a job, and no job determines position in the society. Our parents did not go to school, and so we are poor today. Education can change this".

-- from the *Voices of the Poor*

Increasingly, education is recognized as one of the best financial investments States can make. The General Comment No. 13 adopted by the Committee on Economic, Social and Cultural Rights defined education as "both a human right in itself and an indispensable means of realizing other human rights". As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.

The Special Rapporteur on the right to education points to the effects of aid-debt nexus on education in developing countries particularly LDCs. She notes that the focus of aid policies in the 1990s has been on poverty alleviation, but that "there are as yet no definitions and standardized measures on what anti-poverty aid means in theory and practice". She warns that the impact on education is likely to be significant but as yet unpredictable, and that "education cannot be expected to lead to poverty eradication before education itself is rescued from poverty".[10]

B. Health

"We watch our children die because we cannot pay the high hospital bills".

-- from the *Voices of the Poor*

Health is a fundamental human rights indispensable for the exercise of other human rights. The lack of adequate health care is often a direct cause of poverty in many LDCs. "The hospital is rated by the poor as one of the most important institutions – and also as one of the most prohibitively expensive".[11] In its General Comment No. 14 on the right to the highest attainable standard of health,[12] the Committee on Economic, Social and Cultural Rights

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[9] A/CONF.191/6, para. 30.

[10] See the progress report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, E/CN.4/2000/6, 1 February 2000.

[11] *Voices of the Poor I*, p. 87.

specified the following elements as part of the core obligations pertaining to the right to health:

(a) To ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups;

(b) To ensure access to the minimum essential food which is nutritionally adequate and safe, to ensure freedom from hunger to everyone;

(c) To ensure access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water;

(d) To provide essential drugs, as from time to time defined under the WHO Action Programme on Essential Drugs; and

(e) To ensure equitable distribution of all health facilities, goods and services.

The States are under obligation to fulfil and facilitate the realization of these elements of the right to health by taking positive measures that enable and assist individuals and communities to enjoy this fundamental right. This would require, inter alia, adoption of a national strategy to ensure to all the enjoyment of the right to health, based on human rights principles which define the objectives of that strategy, and the formulation of policies and corresponding right to health indicators and benchmarks. The national health strategy should also identify the resources available to attain defined objectives, as well as the most cost-effective way of using those resources.[13] Nevertheless, these are rights that poor people regularly experience violations of, both in terms of discrimination (access to health care facilities as often quite unequal for men and women), and lack of access to safe drinking water, shelter, housing and sanitation, and lack of access to basic health care facilities even if they do exist. The occurrence not only of costs to pay for health care, but also bribes required to receive treatment and corruption is by many poor identified as a major hurdle in their struggle to get access to health care.[14]

C. Food

"Poverty for me is the fact that we bought some black flour with our last money, some flour cheaper than the rest. When we baked the bread it was not edible. We were speechless and ate it by force since we did not have anything else."

-- from the *Voices of the Poor*

In its General Comment No. 12,[15] the Committee on Economic, Social and Cultural Rights affirmed that the right to adequate food is a fundamental human right, and is indivisibly linked to the inherent dignity of human persons and indispensable for the fulfilment of other human rights. Everyone's right to adequate food is firmly established in the international human rights instruments.[16] Article 11.2 of the ICESCR states that "The States Parties to the Present Covenant, recognizing the fundamental right of everyone to be free from hunger ....". Indeed, this is the only right in the Covenant accompanied by the term 'fundamental'. Due to lack of financial and material resources, poor people inevitably face real difficulties in fulfilling their rights to food. As food is a basic need for human survival, the struggle to ensure even the very minimum availability of food will for poor people overshadow their efforts to tackle other imminent problems such as health care, housing and education. It will also prevent poor people from participating in communal or other efforts to improve their situation – the

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[12] E/C.12/2000/4.
[13] Ibid, para. 53.
[14] *Voices of the poor I*, page 87 ff.
[15] E/C.12/1999/5.
[16] Article 25 of the Universal Declaration of Human Rights (UDHR), and article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

struggle for the next meal becomes the immediate and all-consuming activity. Clearly the right to adequate food is inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for every person.

VI. Translating the Programme of Action into reality

Enabling the LDCs to attain their full potential is a global responsibility and concerns all parties – both the LDCs and their development partners. International cooperation for the implementation of the new Programme of Action for LDCs is not only a moral imperative of the international community, it is also a legal obligation for all countries.

Both the United Nations Charter and the Universal Declaration of Human Rights emphasize that States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.[17] The International Covenant on Economic, Social and Cultural Rights obliges States to undertake steps, individually and through international assistance and co-operation, to the maximum of available resources, with a view to achieving progressively the full realization of the rights by all appropriate means.[18]

The Declaration on the Right to Development obliges individual States to formulate appropriate national policies and to ensure equal and adequate access to essential resources. Further, the Declaration stipulates the duty of States to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right. It also provides that States should realize their rights and fulfil their duties in such a manner as to promote an international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States.

From a human rights perspective, implementation, follow-up and monitoring and review of the new Programme of Action could be facilitated in a number of ways, within the mandates and existing mechanisms of the United Nations human rights machinery and the OHCHR, namely through: (a) mainstreaming human rights and promoting a rights-based approach in development activities, particularly through UNDAF/CCA process; and (b) promoting closer linkages with the monitoring functions of treaty bodies and other human rights mechanism.

A. Mainstreaming human rights in UN system activities for LDCs

In his 1997 reform programme for the United Nations, the Secretary-General Kofi Annan emphasized the centrality of human rights to all activities of the UN system. Stressing the crosscutting nature of all human rights, the Secretary-General called on all United Nations agencies to take into account human rights as a crucial aspect of their work, and designated the High Commissioner for Human Rights as the focal point in the mainstreaming of human rights. Support in the field of human rights is to facilitate for countries and governments to fulfill their international obligations as members of the United Nations and as signatories to human rights instruments.

International assistance to human rights has been provided for a considerable period of time by the United Nations and its specialised agencies, as well as outside of the United Nations framework by bilateral donors and non-governmental organizations. Activities in this field were stepped up substantially after the end of the cold war, when development agencies such as UNICEF and UNDP began to integrate human rights in their development activities.

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[17] *The United Nations Charter*, articles 55 and 56; the Universal Declaration of Human Rights, preamble.
[18] Article 2, the International Covenant on Economic, Social and Cultural Rights.

In the case of UNICEF, the Convention of the Rights of the Child became the framework for its programme. While such an integration of human rights with development is still a work in progress on the part of the United Nations agencies, it gives the programme activities a thrust towards increased focus on the poor and other vulnerable groups, particularly in LDCs.

A number of agencies and programmes both within and outside of the United Nations and their national partners have increasingly come to recognize that narrowly-focused plans and programmes which rely only on growth rates or income-level indicators, short-terms measures or anticipated private investment are insufficient to alleviate poverty and promote sustainable development. A rights-based approach to development and poverty alleviation can, in practical terms, empower the poor and produce more sustainable results. This should not be seen as placing human rights as conditionalities to development partnership or assistance. Rather, it is to serve as a strong legal and moral basis for the path to human dignity. Health, education, housing, access to justice and full political participation are neither tradables nor matters for charity for LDCs – but rather matters of right.

Box 4: Mainstreaming human rights in UNDAF/CCA
Since the launch of the Secretary-General's reform programme in 1997, designating human rights as a cross-cutting theme in all activities, OHCHR has been active in assisting the Organization's operational agencies and programmes to integrate human rights into development planning, policy and projects. The principal vehicle for this has been mainstreaming human rights and rights-based approaches in the UNDAF/CCA process. OHCHR has helped train UN country teams, as well as Resident Coordinators in rights-based development, and has worked with the UN Staff College both to integrate a rights-based approach in the general UNDAF/CCA curriculum for country teams, and to prepare a separate, specialized human rights curriculum for country teams. OHCHR has also participated in the development of the DevLink, which provides substantive information and links on four key areas: human rights, poverty, girls' education and gender. OHCHR is also actively pursuing dialogues with other international organizations with a view to promoting rights-based approach, particularly with the World Bank, IMF, WTO and WIPO.

Rights-based approaches also need to be promoted at the national level, in every aspect of government economic policy-making. Rights-based approaches in national policy-making would enhance the openness and transparency, and encourage public debate on options and policy alternatives. Human rights orientation in national policymakers would also have empowering effects for their negotiations with development partners, to ensure that development assistance is targeted towards national priorities set by the country in a way that does not affect negatively on any one of human rights obligations under the international instruments.

The United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights promotes development by cooperating in specific projects in LDCs at the request of national Governments. As the link between good governance, stability and increased investment and economic growth becomes clearer, OHCHR is increasingly pursuing subregional strategies, particularly in Africa for building and strengthening human rights institutions and for assisting development agencies to integrate the promotion and protection of human rights into established programmes for development. The strategy involves the assignment of subregional human rights officers to advise Governments and United Nations development agencies on the integration of human rights into development cooperation and policy with a strong focus on promotion of good governance. Pilot projects in southern Africa and Central African subregions have been initiated.

B. Role of United Nations human rights mechanism

Six committees of independent experts have been established under the principal international human rights treaties. The main function of the committees, also referred to as treaty-monitoring bodies, is to monitor the implementation of respective treaties by reviewing State party reports submitted under those treaties. The treaty bodies endeavour to establish a constructive dialogue with States parties to assist them in fulfilling their treaty obligations and to offer guidance for future action through suggestions and recommendations. Almost all LDCs have ratified the Covenant on the Rights of the Child, which covers economic and social as well as civil and political rights. But still some LDCs have not yet acceded to other human rights instruments, such as the ICESCR. In some cases, ratified human rights treaties are not fully implemented, often as a result of lack of resources and institutional capacities. This remains a continuing challenge for LDCs and development partners that support them.

For those LDCs which are parties to these treaties, treaty bodies can provide important inputs to the monitoring and review of the commitments made in the Programme of Action. For example, 21 LDC States parties reports have been reviewed since 1997 under the Committee on the Rights of the Child which is the monitoring body for the Convention on the Rights of the Child. Wherever possible and appropriate, in reviewing such reports from LDCs, treaty bodies should be encouraged to integrate a review of the implementation of the Programme of Action as well as progress towards meeting international development goals agreed at the Millennium Summit.

Increasingly, the United Nations human rights mechanism is engaged in dialogues with international financial and trade institutions, in order to better clarify the human rights obligations of these and other non-State actors which are assuming increasingly important role in the global economy. The Committee on Economic, Social and Cultural Rights had a day of discussion with the international financial institutions on 7 May 2001. The Bretton Woods institutions and the WTO have regularly contributed to the discussion in the Open-ended Working Group on the Right to Development under the Commission on Human Rights.

VII. Conclusion

LDC III provides an opportune occasion for the LDCs and their development partners to devise practical mechanisms of partnership and policy coherence. The implementation of partnership must be based on genuine national ownership, and ownership by the people themselves. Human rights principles and rights-based approaches to development can provide the foundation for the sustained growth of LDCs in the next decade.

LDCs and their development partners also need to bear in mind their obligations under the international human rights law for the full and progressive realization of the rights. While the countries concerned have the primary responsibilities, the international community is also obliged to cooperate and provide assistance to the maximum of its available resources. In today's globalized economy, the international community faces formidable challenges in reducing inequity in the global market and ensuring that the benefits of globalization are shared equitably. This rapidly evolving context makes it all the more urgent the need to find rights-based solutions to poverty and underdevelopment in LDCs, by linking these development challenges to the international human rights framework, ensuring that the poor and the vulnerables effectively and meaningfully participate in development and benefit from it in the coming decade.